

SEP 21 2007

Carlos W. Lopez Freytes, Esq., Chair  
Environmental Quality Board  
Commonwealth of Puerto Rico  
PO Box 11488  
San Juan, PR 00910

Re: Revisions of Puerto Rico Solid Waste Regulations

Dear Mr. Lopez:

On October 5, 2006 I wrote the Governor regarding the Puerto Rico 1997 changes to EQB's Solid Waste Management Regulations. In that letter, I expressed serious concern that EQB's 1997 changes to the regulations appeared to weaken landfill controls to the point that the regulations may no longer satisfy the federal regulatory requirements. Enclosed for your review is a copy of EPA's October 5, 2006 letter.

EPA's primary concerns with the 1997 amended solid waste regulations include: the unacceptable revision of the definition of lateral expansion; the removal of the requirement that a professional engineer certify satisfaction of closure and post-closure requirements; the removal of educational degree and professional licensing requirements for personnel involved with hydrology and groundwater monitoring; the weakening of the hydraulic conductivity requirements for composite liners; the substantive lessening of financial assurance requirements; and the revision of the definition of "existing solid waste facility".

We met subsequent to EPA's October 5, letter and you made a personal commitment to make all EPA's requested regulatory revisions. We did recommend that actions taken by EQB on lateral expansions, composite liner requirements and financial assurance requirements be consistent with 40 CFR Part 258. We agreed to provide detailed comments to you. These comments are addressed.

Please also find enclosed this review, which consists of a 46-page Summary Report, and a 129-page Attachment providing the detailed review comments. The review has revealed a considerable number of other changes in the regulations, which were never approved by EPA.

EPA staff will be in touch with your office shortly to follow up on this letter and to confirm a timetable for EQB to take the essential actions outlined above. Thank you for your immediate attention to this letter.

Sincerely,

Alan J. Steinberg  
Regional Administrator

Enclosures

cc: (w/o encls.) Jorge Silva-Puras, Chief of Staff  
Office of the Governor  
Commonwealth of Puerto Rico

Javier A. Quintana-Mendez  
Executive Director  
Solid Waste Management Authority

Javier Velez-Arrocho, Director  
Department of Natural and Environmental Resources  
Commonwealth of Puerto Rico

Roberto J. Sanchez Ramos, Attorney General  
Commonwealth of Puerto Rico

bcc: (w/o encls.)

Kathleen Callahan, DRA  
Cosmo Servidio, ORA  
Carl Soderberg, CEPD  
Joann Brennan McKee, DEPP  
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Kimiko Link, DEPP-RPB  
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